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an elongated tube presenting an inlet end and an outlet end and located between said first and second sheets of material and housed within said tube-receiving opening and second recess during said rotation of said rollers;

a food material feeder operatively coupled with said tube inlet end for passing a flowable food material through said tube and out said outlet end in order to successively fill said food-receiving cavities; and

a cavity sealer operable to seal the ends of said cavities to form enclosed food-filled packages.

Remarks:

Claims 1-5 and 8-28 remain for consideration in this application. In view of the claims as they now stand together with the remarks hereunder, the rejections of the last office action must be respectfully traversed.

The present invention is concerned with a method and apparatus for the continuous manufacture of sausages such as frankfurters and the like while reducing equipment costs. In preferred forms of the invention, a pair of adjacent coacting rollers are provided, each such roller having a series of elongated recesses formed in the surface thereof. The rollers are timed so that during rotation corresponding recesses come into alignment with each other for cavity formation. A pair of deformable sheets are passed between the rollers to form food-receiving cavities; preferably, this involves heating and pressing the sheets against corresponding roller recesses, while

directing pressurized gas (air) against the sheets to generally conform them with the roller recesses. As the formed cavities pass from the rollers, they are sealed together and later filled by an elongated feed tube extending between the rollers. As best seen in Figs. 1 and 2, the cavity filling operation is carried out so that the cavity being filled is in communication with at least one preceding cavity via a restricted passageway therebetween. This allows desirable system pressures to be built up, and eliminates the need for sealing the ends of the cavities to permit filling thereof. After the cavity filling operation, the individual filled cavities are sealed preferably by heat sealing the restricted passageways, which provides end seals free of sausage material.

Turning now to the claims, it will first of all be noted that previously allowed claims 1-3 and 15-23 remain unaltered. In addition, independent claim 4 has been amended to include the limitations of claims 6 and 7. Therefore, pursuant to the first full paragraph on page 3 of the action, claim 4 is now allowable.

New independent claims 24, 27 and 28 are presented herewith. Claim 24 is a method claim patterned on original claim 4, but including the step of directing pressurized gas against the deformable sheets as a part of the creation of the food-receiving cavities. Apparatus claim 28 also recites this feature. A review of the art of record establishes that this method is nowhere taught or suggested. The Schulte, Vanhatalo and Garwood patents do not in any way deal with a method wherein a food-receiving cavity is formed in this way. Therefore, allowance of claims 24 and 28 is believed proper.

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Independent claim 27 is also a method claim similar to claim 4, but recites that adjacent aligned cavities are in communication via a restricted passageway therebetween, and that the filling step involves filling each cavity while the cavity being filled remains in communication with the preceding cavity (which has already been filled) through the restricted passageway. As explained above, this is clearly shown in Fig. 2 for example wherein the cavity being filled by the feed tube is in communication with the preceding tube through the restricted neck portion between the cavities. It is only later that the neck portions are sealed in order to void material therefrom and create separate, individual products.

Here again, the art does not suggest this method. The Vanhatalo et al. patent describes a situation wherein the end of each successive cavity is sealed prior to or during the filling operation. In Schulte, the end of the cavity being filled is sealed in a similar manner. In Garwood, there is no flowable fill material at all, and the product is within the individual receptacles before the complete cavity is even formed.

A check in the amount of $144.00 is enclosed for the additional claims. Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522. In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Respectfully submitted,

By _____

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